

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ADVANCED ACCELERATOR)	
APPLICATIONS USA, INC. and)	
ADVANCED ACCELERATOR)	
APPLICATIONS SA,)	
)	
Plaintiffs,)	C.A. No. 24-1161-MN
)	
v.)	
)	
CURIUM US LLC, CURIUM US)	
HOLDINGS LLC, CURIUM)	
NETHERLANDS BV, and CURIUM)	
INTERNATIONAL TRADING BV,)	
)	
Defendants.)	

STIPULATION REGARDING MOTION TO DISMISS

WHEREAS, on October 17, 2024, Advanced Accelerator Applications USA, Inc. and Advanced Accelerator Applications SA (collectively, “ADACAP” or “Plaintiffs”) filed a Complaint against Defendants Curium US LLC, Curium US Holdings LLC, Curium Netherlands BV, and Curium International Trading BV (collectively, “Defendants”) alleging infringement of U.S. Patent No. 10,596,276 (“the ’276 patent”), U.S. Patent No. 10,596,278 (“the ’278 patent”), and U.S. Patent No. 11,904,027 (“the ’027 patent”);

WHEREAS, the Defendants have advised ADACAP that they intend to seek to dismiss the Complaint on various grounds for failure to state a claim of infringement by Curium US LLC’s submission of a 505(b)(2) application to the FDA;

WHEREAS, given the number of defendants named, and the number of patents asserted, in the Complaint, the Defendants believe that they require additional pages beyond what the Local Rules provide for an opening brief;

WHEREAS, ADACAP and the Defendants have conferred and agreed, subject to the Court's approval, on extended page limits and a briefing schedule;

IT IS HEREBY STIPULATED AND AGREED, by the parties, subject to the approval of the Court, that:

1. The Defendants' Joint Opening Brief in support of their Joint Motion to Dismiss shall be limited to 30 pages.

2. Given special circumstances, ADACAP's deadline to either oppose the Joint Motion to Dismiss or to file an Amended Complaint in response to the Joint Motion to Dismiss shall be December 23, 2024. Should ADACAP file an Answering Brief, it shall be limited to 30 pages. Should ADACAP file an Amended Complaint, Defendants shall have until January 20, 2025 to file their response to the Amended Complaint, and there will be no further briefing on the Joint Motion to Dismiss; provided however, that should Defendants move to dismiss the Amended Complaint, the parties shall coordinate regarding a proposed briefing schedule and page limits regarding such motion.

3. Should ADACAP file an Answering Brief, Defendants' Reply Brief shall be limited to 15 pages and shall be filed on or before January 15, 2025.

MCCARTER & ENGLISH, LLP

/s/ Daniel M. Siler

Daniel M. Silver (#4758)
Alexandra M. Joyce (#6423)
Renaissance Centre
405 N. King Street, 8th Floor
Wilmington, DE 19801
(302) 984-6300
dsilver@mccarter.com
ajoyce@mccarter.com

RICHARDS, LAYTON & FINGER, P.A.

/s/ Kelly E. Farnan

Kelly E. Farnan (#4395)
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-7705
farnan@rlf.com

OF COUNSEL:

Jane M. Love, Ph.D.
Robert Trenchard
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166
(212) 351-4000
jlove@gibsondunn.com
rtrenchard@gibsondunn.com

Andrew P. Blythe
Anne Y. Brody
GIBSON, DUNN & CRUTCHER LLP
3161 Michelson Drive
Irvine, CA 92612
(949) 451-3800
ablythe@gibsondunn.com
abrody@gibsondunn.com

Emil N. Nachman
Yi Zhang
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166-0193
(212) 351-4000
enachman@gibsondunn.com
yzhang2@gibsondunn.com

*Attorneys for Advanced Accelerator Applications
USA, Inc. and Advanced Accelerator Applications
SA*

OF COUNSEL:

Keith A. Orso
Andrew E. Krause
Abigail L. Sellers
IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067
korso@irell.com
akrause@irell.com
asellers@irell.com

*Attorneys for Curium US LLC, Curium US
Holdings LLC, Curium Netherlands BV, and
Curium International Trading BV*

SO ORDERED this ____ day of November, 2024.

United States District Court Judge